

Amphenol

Amphenol Corporation

World Headquarters

358 Hall Avenue
P.O. Box 5030
Wallingford, CT 06492
Telephone (203) 265-8900

D.3.1

RECEIVED
JAN 29 1996
DIVISION FRONT OFFICE
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

January 28, 1997

Mr. William Buller
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division, MI/WI Section
US EPA, Region 5 DRE-8J
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: On Site Recovery System Evaluation Work Plan
Franklin Power Products/ Amphenol Corporation
IND 044 587 848

Dear Mr. Buller:

I am in receipt of EPA's approval of the subject work plan by letter dated January 15, 1997 (received on January 21, 1997). Your letter raises several issues beyond the approval of the work plan which prompt some discussion.

You have conditioned approval, in part, on the inclusion of an additional piezometer near the southeast corner of the property. Certainly an additional monitoring point could provide more comprehensive information; we remain firmly convinced, however, that the area where this piezometer would be located is adequately covered by existing and proposed monitoring points and that an accurate representation of hydraulic gradients can be developed with the data collected from those points. In view of the above, we ask that you reconsider your request for this additional point.

You also suggested that the monitoring well proposed for installation on Glendale Drive should be located closer to the southern boundary of the facility to aid in the interpretation of hydraulic gradients. Our intent in locating the well as indicated on Sheet 1 of the work plan was to provide a down gradient monitoring point for long term monitoring of VOCs. The point selected was approximately at the edge of VOC detections. If EPA would prefer to have this well act as a down gradient hydraulic monitoring point, we would agree that it could be placed closer to the facility. If, however, EPA desires a down gradient VOC monitoring point, we would recommend that it be located as described on Sheet 1.

As a second condition of approval, EPA has required submittal of the Evaluation Report within 80 days of approval. Our work plan proposed a schedule of approximately 120 days, proposed after careful consideration of the actions necessary to solicit bids and select a contractor to carry out the work. We do not believe that this can be effectively carried out in 80 days. By expediting certain activities we feel that 100 days is a reasonable compromise. Notwithstanding this, we firmly believe that there is no basis for requiring such a plan in the Administrative Order on Consent (AOC). To that end, we specifically noted in the November 27, 1996 transmittal letter that submission of this plan was completely voluntary. In the spirit of that voluntary action, we would expect EPA to be equally accommodating.

We can find no basis for a requirement to provide monthly progress reports for this work plan in the AOC. Furthermore, a submittal date of five days after the beginning of the next month is particularly onerous. Permit programs which may require the collection and analysis of samples typically provide several weeks after the end of a reporting period for submittal of a report. The NPDES program, for instance, requires the submittal of a Discharge Monitoring Report 28 days after the end of a reporting period. Because a monthly summary of activities is currently being prepared by the contract operators, however, a copy can be provided to EPA. That report is generally available during the second half of the month.

The report prepared by our contractor includes much of the information requested by EPA. We do not, however, monitor maximum, minimum and average pumping rates. Each recovery well is equipped with a totalizing flow recorder; total flow is recorded during each biweekly inspection, with monthly totals provided to the City of Franklin for sewer use billing. A cumulative summary of ground water withdrawn from each recovery well is provided in the monthly report. Also included in the report are the inspection sheets completed during each visit (as well as all responses to system alarms) which include the O&M information you requested. Please advise us if this type of report would satisfy your request.

On another matter, EPA has directed the Respondents to provide a deed restriction limiting use of soil and ground water at the facility, citing the inclusion of a deed restriction in the CMS Report. A deed restriction was listed as a possible institutional control, along with use of local regulations restricting use of the site, in a list of a number of potential controls. To single out one particular institutional control, in advance of EPA's designation of a selected remedial measure, is premature. Furthermore, we again find that EPA has no basis to require such an action under the AOC. Irrespective of the above, and as I have noted on several occasions, Respondent Amphenol Corporation has no ownership interest in the property and, therefore, cannot take any action with respect to the deed for that property. Respondent Franklin Power Products would have sole discretion in any actions involving the deed for the property.

Finally, with respect to limiting the future use of soil and ground water, we have conducted additional inquiries into current local and State restrictions on the placement of water wells in areas of potential contamination as well as environmental disclosure requirements. The City of Franklin, Johnson County Health Department, Indiana DEM and Indiana DNR - Division of Water were contacted. None of those agencies were aware of any law or regulation which specifically forbade the installation of wells and/or the withdrawal of contaminated ground water.

Mr. William Buller
January 28, 1997
Page 3

Nonetheless, under 310 IAC 16-3-2 (1) and (2)(B), water wells must be located to use every natural protection to promote the maintenance of the well and its surroundings and must be located as far as practicable from any known contamination source. In addition to the above, the Indiana Responsible Property Transfer Law (RPTL - IC 13-7-22.5) requires that any seller of property meeting certain criteria must provide a prospective purchaser with an environmental disclosure document at least 30 days before a transfer takes place. This disclosure would require the notification to a purchaser of the existence of a remedial action at the facility; thus any actions taken by a prospective owner would be with the full knowledge of site conditions.

The requirement for disclosure, coupled with current zoning and Franklin Power Product's plans to retain the property for the foreseeable future mitigate the need for additional proscriptions on future land use as EPA envisions in requiring deed restrictions.

A number of issues were raised in your letter and addressed herein. While the system evaluation is not affected by any additional discussions on deed restrictions, there remain significant issues outstanding on the scope of the evaluation work plan. Because resolution of those issues will affect the timing and extent of the effort, we do not intend to initiate field activities until resolution is reached.

Please contact me should you have any questions regarding any of the above. However, since Amphenol does not own the property, we request that any EPA communications regarding deed restrictions or similar takings of property rights be sent directly to Franklin Power Products.

Yours sincerely,



Samuel S. Waldo
Director, Environmental Affairs

cc: J. Michael Jarvis, Franklin Power Products
Michael Sickles, IDEM

OSRSWP

Mr. William Buller

January 28, 1997

Page 4

bcc: J. Keith, Earth Tech
J. Simonds, Handex
J. Monteith